



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, August 13, 2025 9:00 a.m. – Room 119

Charlotte County Administration Center
18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Blair McVety, Chair
Steve Vieira, Vice-Chair
Nichole Beyer, Secretary
Phillip Smallwood
Andrew Filieo

Staff:

Shaun Cullinan, Planning/Zoning Official
David Moscoso, Asst. Co. Attorney
Kimlyn Walker, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent, Recorder

I. Call to Order

Chair McVety called the August 13, 2025, meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present. Mr. Filieo was absent.

IV. Swearing In of Those Giving Testimony

Kimberly Sargent swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Vieira and seconded by Mrs. Beyer to approve the minutes of July 9, 2025, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. Co. Attorney Moscoso and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VII. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the August 13, 2025, Board of Zoning Appeals meeting one was submitted.

VIII. New Business

The following petitions were advertised on July 29, 2025: VAR-25-009, VAR-25-010, SE-25-006, SE-25-007, and SE-25-008.

Andrew Filieo had arrived late.

VAR-25-009

Mark Allen is requesting three variances: (a) to reduce the required 25-foot front yard setback by 10.5 feet to allow a 14.5-foot front yard setback, for an ADA bathroom addition; (b) to reduce the required 25-foot front yard setback by 16 feet to allow a 9-foot front yard setback, for an ADA ramp; and (c) to reduce the required 7.5-foot north side yard setback by 2 feet to allow a 5.5-foot north side yard setback, to allow an existing shed to remain "as-is" in its current location on subject property, in the Manufactured Home Conventional (MHC) zoning district. The property is located at 4226 Wood Duck Road, in Port Charlotte, and is described as Lots 472 & 473, of the El Joban Ward 1 Subdivision, located in Section 28, Township 40 South, Range 21 East. The Parcel ID for subject property is 402128283008.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Mr. Vieira spoke to Mr. Cullinan on the boundary line in the canal.

Applicant Presentation

Mark Allen, applicant. Mr. Allen spoke on petition.

Mr. Vieira spoke to Mr. Allen regarding permits.

Chair McVety opened the meeting to Public Comments.

Public Input

Mr. Cullinan spoke that items were received from email and the mail.

Karen White spoke to the staff and board members with unknown male. A discussion ensued.

Mr. Vieira asks Mr. Cullinan are we tying an exhibit to this and a discussion ensued.

Atty. Co. Atty. Moscoso asked the man to state his name for the record.

Unnamed man said his name is Steve White, and a discussion ensued with **Mr. Cullinan** and **Mr. Vieira**.

Mrs. Sargent swore in additional persons who wished to provide testimony.

Leonard and Sabrina Bosey, they are sworn in and support this petition.

There being no further requests to speak for or against the petition, Mrs. Beyer moved to close the public comments, seconded by Mr. Vieira. The public comments were closed with a unanimous vote.

Mr. Allen, applicant, has been sworn in. Mr. Allen spoke to the board members.

Shaun Cullinan presented the recommended conditions for the petition.

Board Member Comments and Questions

None.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition VAR-25-009 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with three conditions recommended by staff.

Motion was approved with a unanimous vote with the following three conditions.

1. The variances, as approved by the Board of Zoning Appeals, are: **(a)** to reduce the required 25-foot front yard setback by 10.5 feet to allow a 14.5-foot front yard setback, for an ADA bathroom addition; **(b)** to reduce the required 25-foot front yard setback by 16 feet to allow a 9-foot front yard setback, for an ADA ramp; and **(c)** to reduce the required 7.5-foot north side yard setback by 2 feet to allow a 5.5-foot north side yard setback, to allow an existing shed to remain “as-is” in its current location on subject property
2. The variances shall apply to the existing manufactured home, existing shed, and proposed ADA-accessible ramp, as shown in the documents submitted with this application.
3. If the manufactured home, ADA-accessible ramp, or shed are removed or replaced, the applicable variance shall expire, and all future development must be constructed in accordance with all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to the removal or replacement caused by a natural disaster or involuntary destruction of the manufactured home, ADA-accessible ramp, or shed.

VAR-25-010

John & Corrine Michniak are requesting a variance to reduce the required 15-foot rear yard setback by 5 feet to allow a 10-foot rear yard setback, for a new pool cage, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 2491 Quail Terrace, in Port Charlotte, and is described as Lot 287, Block 1998, of the Port Charlotte Subdivision, Section 60, located in Section 18, Township 40 South, Range 21 East. The Parcel ID for subject property is 402118378006.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Mr. Vieira asked is the seawall is constructed. **Mr. Cullinan** answered yes.

Applicant Presentation

John & Corrine Michniak., the applicants, have been sworn. Mr. and Mrs. Michniak spoke on the petition.

Chair McVety spoke to Mr. Cullinan on stem wall and receive letters of support which are marked as exhibit I.

Chair McVety opened the meeting to Public Comments.

Public Input

William Miller, 2524 Klass, was sworn in. Mr. Miller spoke on this not being caught.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mrs. Beyer. The public comments were closed with a unanimous vote.

Shaun Cullinan presented the recommended conditions for the petition.

Mr. Vieira spoke to Mr. Cullinan this isn't a precedence for this application, a discussion ensues.

ACTION: A motion was presented by Andrew Filieo and seconded by Nichole Beyer that Petition VAR-25-010 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with three conditions recommended by staff.

Motion was approved with a unanimous vote with the following three conditions.

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 15-foot rear yard setback by 5 feet to allow a 10-foot rear yard setback, for a new pool cage.
2. The variance shall apply to the proposed pool cage, as shown in the documents submitted with this application.
3. If the pool cage is removed or replaced, this variance shall expire, and all future development must be constructed in accordance with all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to the removal or replacement of the pool cage caused by a natural disaster or involuntary destruction of the pool cage.

SE-25-006

Robert Berntsson, representative for Arturo's Landscaping, LLC, is requesting a special exception to allow a building trades contractor's office with outdoor storage in the Commercial General (CG) zoning district. The property is located at 12833 Gulfstream Boulevard, in Port Charlotte, and is described as Lots 3 – 6, Block 5169, of the Port Charlotte Subdivision, Section 95, located in Section 08, Township 41 South, Range 21 East. The Parcel ID for subject property is 412108103003.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Chair McVety spoke to Mr. Cullinan on code case.

Applicant Presentation

Robert Berntsson, representative for the applicant, said he has been sworn in. Mr. Berntsson spoke on the petition and asks the board members time for rebuttal.

Chair McVety opened the meeting to Public Comments.

Public Input

Mr. Cullinan spoke on the one email received that was passed out to the board members in opposition.

Shaun Cullinan presented the recommended conditions for the petition.

Mr. Berntsson spoke on the conditions and a discussion ensues with staff and the board members.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mr. Filieo. The public comments were closed with a unanimous vote.

Board Member Comments and Questions

A discussion ensues with board members, staff and Mr. Berntsson.

ACTION: A motion was presented by Andrew Filieo that Petition SE-25-006 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with ten conditions recommended by staff. There was no second and motion died.

ACTION: A motion was presented by Phillip Smallwood and seconded by Nichole Beyer that Petition SE-25-006 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with conditions 1 through 7, 9 and ten, with eliminating number 8 recommended by staff.

Motion was approved with a 4-1 vote with the following nine conditions.

(Mr. Smallwood, Mrs. Beyer, Mr. Vieira, Mr. McVety voted for approval - Mr. Filieo voted against the approval)

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow a building trades contractor's office with outdoor storage for a landscaping business and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicant, as part of the petition, is for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of debris, heavy machinery, semi-trucks, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the entire perimeter of the site. The use of chain link fencing as part of the required buffer is prohibited.
5. Items stored in stacks or piles shall not exceed 6 feet in height.
6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. This Special Exception is granted for a term of one (1) year from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires. The applicant must obtain, at a minimum, Preliminary Site Plan Review approval and after-the-fact right-of-way permits

within six (6) months of the date of approval from the Board of Zoning Appeals. Final Site Plan Review approval shall be obtained within one (1) year and all other permitting and inspections must be completed within two (2) years of the date of approval from the Board of Zoning Appeals.

9. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-25-007

Robert Berntsson, representative for Florida Marine Works, is requesting a special exception to allow a building trades contractor's office with outdoor storage in the Commercial General (CG) zoning district. The property is located at 504 Tabor Street, in Punta Gorda, and is described as Parcel P-85, located in Section 05, Township 41 South, Range 23 East. The Parcel ID for subject property is 412305306013.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Mr. Vieira had a discussion with **Mr. Cullinan**.

Applicant Presentation

Robert Berntsson, representative for the applicant, has been sworn in. Mr. Berntsson spoke on the petition and passed around a photo.

Mr. Vieira had a discussion with **Mr. Berntsson** and **Asst. Co. Atty. Moscoso** on the photo.

Mr. Cullinan said that is exhibit K.

John Storm, applicant, had been sworn. Mr. Storm spoke on petition, gave history and read the three letters from neighbors supporting the petition.

Chair McVety spoke to Mr. Storm on the house, which is not occupied, and a discussion ensues.

Mr. Cullinan spoke on the three letters will be Exhibit L.

Mr. Berntsson spoke on reserving time for rebuttal if necessary and discuss the conditions.

Chair McVety opened the meeting to Public Comments.

Public Input

Josie Velosa, have been sworn and lives on 516 Tabor Street. **Mr. Velosa** spoke on the property, the neighborhood, and the full history.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mrs. Beyer. The public comments were closed with a unanimous vote.

Shaun Cullinan presented the recommended conditions for the petition.

Rebuttal

Mr. Berntsson requested the site plan to go back up on the screen and discusses the conditions.

Reed McGowen, with Southwest Engineering, has been sworn. **Mr. McGowen** spoke on timing, SWFWMD, and Final Site Plan review.

Board Member Comments and Questions

Chair McVety spoke to Mr. Reed and a discussion ensues with staff, board members, Mr. Berntsson and Mr. Storm.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-007 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with items 1-10 with modifications to 4 (opaque fence to only storage area), 8 (no more than 3 vehicles and 3 trucks), no outdoor storage of materials and 9 (is 1 year 6 months, 1 year 2 years) of the ten conditions recommended by staff.

Motion was approved with a unanimous vote with the following ten conditions.

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow a building trades contractor's office with outdoor storage for a marine construction business and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicant, as part of the petition, is for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of debris, heavy machinery, semi-trucks, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the perimeter of the area to be used for outdoor storage. The use of chain link fencing as part of the required buffer is prohibited. Final design of the required buffers shall be determined during the Site Plan Review process.
5. Items stored in stacks or piles shall not exceed 6 feet in height.
6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued. All existing outdoor storage must be removed from subject property until a Certificate of Occupancy or final inspections have been issued, with the exception of three (3) pickup trucks and three (3) trailers.
9. This Special Exception is granted for a term of one (1) year from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires. The applicant must obtain, at a minimum, Preliminary Site Plan Review approval and after-the-fact right-of-way and environmental permits within six (6) months of the date of approval from the Board of Zoning Appeals. Final Site Plan Review approval shall be obtained within one (1) year and all other

permitting and inspections must be completed within two (2) years of the date of approval from the Board of Zoning Appeals.

10. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-25-008

Christopher Beers, P.E., is requesting a special exception to allow the expansion of an existing assisted living facility (ALF) from 6 beds to 12 beds, inside the existing building, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 370 Blarney Street, in Port Charlotte, and is described as Lots 31 & 32, Block 1527, of the Port Charlotte Subdivision, Section 15, located in Section 01, Township 40 South, Range 22 East. The Parcel ID for subject property is 402201436001.

Shaun Cullinan read into the record the staff report and staff findings for the petition.

Chair McVety spoke to Mr. Cullinan on this petition from prior, timelines and spacing.

Applicant Presentation

Chris Beers, P.E., applicant, said he has been sworn in. Mr. Beers spoke on the petition and explains everything since last time appearing.

Chair McVety opened the meeting to Public Comments.

Public Input

Vivian Walthall have been sworn in, 23494 Shelby Avenue. Ms. Walthall spoke on her concerns and explains.

Paul Crow have been sworn, 23502 Nelson Avenue. Mr. Crow spoke about his concerns.

Willena George, not sworn in.

Mrs. Sargent swears citizen in.

Willena George, lives at 380 Blarney Street. Ms. George spoke about her concerns.

There being no further requests to speak for or against the petition, Mr. Smallwood moved to close the public comments, seconded by Mr. Filieo. The public comments were closed with a unanimous vote.

Board Member Comments and Questions

Chair McVety spoke to Chris and Matt on room pricing

Asst. Co. Atty. Moscoso asks Matt to come to the microphone to provide testimony.

Matt Bright, have been sworn, my home address is 10884 Sundrop Street, Wellen Park. Mr. Bright spoke on the concerns for the size and accommodations of the rooms.

Shaun Cullinan presented the recommended conditions for the petition.

ACTION: A motion was presented by Nichole Beyer and seconded by Steve Vieira that Petition SE-25-008 be APPROVED based on the Community Development Staff Report dated August 6, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with six conditions recommended by staff.

Motion was approved with a unanimous vote with the following six conditions.

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the expansion of an existing assisted living facility from 6 beds to 12 beds, inside the existing facility, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plans submitted by the applicant, as part of the petition, are for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, landscape plan approval, life safety and building permits.
3. A maximum of 12 occupied beds shall be permitted in the assisted living facility.
4. A maximum of one wall-mounted sign may be permitted for the facility. The sign shall not exceed 4 square feet in area and shall not be internally illuminated.
5. This Special Exception is granted for a term of three (3) years from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
6. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

IX. **Public Comments –**
None

X. **Staff Comments –**
Mr. Cullinan stated we have two items for next month.

XI. **Member Comments –**
Mr. Filieo stated he will be in training and will not be at the September meeting.

XII. **Next Meeting**
The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, September 10, 2025 at 9:00 a.m., in Room 119.

There being no further business, the meeting **ADJOURNED** at 12:25 p.m.

Respectfully submitted,
Kimberly Sargent, Recorder/Community Development


Blair McVety, Chair

 9-10-25
Date